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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit 1647

Application of L. Thompson

Serial No. 09/637,962

Filed August 11, 2000

Confirmation No. 8001

For THERAPEUTIC METHODS FOR TREATING SUBJECTS WITH A
RECOMBINANT ERYTHROPOIETIN HAVING HIGH ACTIVITY AND REDUCED
SIDE EFFECTS

Examiner Regina M. Deberry

January 9, 2003

AMENDMENT A AND RESPONSE

RECEIVED

JAN 15 2003

TECH CENTER 1600/2900

TO THE ASSISTANT COMMISSIONER FOR PATENTS,

SIR:

In response to the Office action mailed September 9, 2002, the time for response to which is extended to January 9, 2003, by the attached payment of the fee required under 37 C.F.R. §1.136(a), please enter the following amendment(s):

IN THE CLAIMS:

Amend claim 66 as follows:

66. (twice amended) A method for treating or preventing an anemic condition in a subject, the method comprising administering to the subject a therapeutic amount of a recombinant erythropoietin produced in baby hamster kidney cells, the recombinant erythropoietin being other than Epoetin Alfa or Beta, wherein the amount of recombinant erythropoietin administered is selected to provide a therapeutic benefit within a treatment period, and wherein prior treatment of the subject with a therapeutic amount of Epoetin Alfa or Beta did not provide a therapeutic benefit within a treatment period.